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13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15 ELOISE HERRON,

16 )

17 )

18 ) Case No. 2:17-cv-03051-GMN-GWF

19 v. )

20 )

21 ) **STIPULATION AND ORDER OF**

22 UNITED STATES OF AMERICA, *et al.*,

23 ) **VOLUNTARY DISMISSAL**

24 ) **WITHOUT PREJUDICE**

25 Defendants.

26 )

27 )

28 )

17 IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff Eloise Herron

18 (“Herron”) and Defendant United States of America (“United States”), the complaint filed as

19 against the United States in the above-entitled case by Plaintiff Herron (attached as Exhibit A to

20 the United States’ Petition for Removal, (ECF No. 1)) shall be voluntarily dismissed without

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1 prejudice.<sup>1</sup> Each party shall bear their own costs and attorney's fees.

2 Respectfully submitted this 22nd day of January 2018.

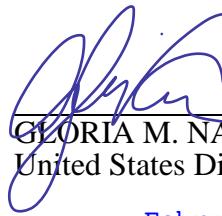
3 DAYLE ELIESON  
4 United States Attorney

GLEN LERNER INJURY ATTORNEYS

5 /s/ Mark E. Woolf  
6 MARK E. WOOLF  
LINDSY M. ROBERTS  
7 Assistant United States Attorneys

/s/ Joshua L. Benson  
JOSHUA L. BENSON  
Attorneys for Plaintiff

8  
9 IT IS SO ORDERED:

10   
11 GLORIA M. NAVARRO  
12 United States District Judge  
13 DATED: February 1, 2018

26 <sup>1</sup> The United States filed a Notice of Substitution (ECF No. 2) pursuant to 28 U.S.C. § 2679(b)(1) and (d), which  
27 provides that suit against the United States, and not an individual, is the exclusive remedy for negligence claims  
against a government employee arising out of acts performed within the scope of his or her employment.  
28 Individually named Defendant Mister Jonathan Jackson, III, has been certified as acting within the course and scope  
of his employment at the time of the incident out of which the claim arises (see Exhibit A attached to the United  
States' Notice of Substitution), meaning the claims asserted against him are claims against the United States.

**CERTIFICATE OF SERVICE**

I, Mark E. Woolf, certify that the **STIPULATION AND ORDER OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE** was served on all parties via the Court's Electronic Case Filing system.

Dated this 22nd day of January 2018.

/s/ Mark E. Woolf  
MARK E. WOOLF  
Assistant United States Attorney